



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9242

Writer's Direct Dial Number

(757) 629-2759



209707
DID # 01031222001003

James R. Paschall
General Attorney

FEE RECEIVED December 22, 2003

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423-0001

DEC 22 2003

ENTERED
Office of Proceedings

DEC 22 2003

Part of
Public Record

STORAGE
TRANSPORTATION BOARD

Re: Docket No. AB-859 ~~XXXXXXXXXX~~, Pennsylvania Lines, LLC -
Abandonment - at Coatesville, Chester County, Pennsylvania -
Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of the Notice of Exemption. Also, enclosed is a check in the amount of \$2800 to cover the filing fee.

Please acknowledge receipt on the enclosed copy of this letter and return it to me in the self-addressed, stamped envelope.

FILED

DEC 22 2003

Yours very truly,

James R. Paschall

TRANSPORTATION BOARD

JRP/kch
Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-859 ~~XXXXXXXXXX~~



PENNSYLVANIA LINES LLC
-- ABANDONMENT --
AT COATESVILLE,
IN CHESTER COUNTY, PENNSYLVANIA

NOTICE OF EXEMPTION

COMES NOW Pennsylvania Lines LLC ("PRR"), a wholly owned subsidiary of Consolidated Rail Corporation ("CRC") and leased to Norfolk Southern Railway Company ("NSR"), and files this notice of exemption from regulation under 49 U.S.C. §§ 10903-10905, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between Mileposts 34.51 and 34.85 at Coatesville, Pennsylvania.

Pursuant to regulations adopted by the Interstate Commerce Commission in Ex Parte No. 274 (Sub-Nos. 8 and 8A), Exemption of Out of Service Rail Lines, 366 I.C.C. 885 (1983) and 1 I.C.C.2d 55 (1984), and by the Surface Transportation Board ("Board" or "STB") in STB Ex Parte No. 537, Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, served December 24, 1996, and codified at 49 CFR § 1152.50, PRR states as follows:

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is authority for abandonment of the line. The line for which the abandonment authority is sought consists of .34 mile of track between Mileposts 34.51 and 34.85 at Coatesville, Pennsylvania. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Code 19320.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

PRR has received no inquiries about public use of the right of way underlying the line segment to be abandoned and is unaware of any potential public purposes to which the right of way may be suited. PRR is not aware of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes, however, PRR has not yet fully researched the matter. To the extent of its title, PRR will deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation and quitclaim its interest under an agreement negotiated prior to June 1, 1999, between CRC and the City of Coatesville for public use.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, PRR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, PRR will accept the imposition of standard labor protective

conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice) have been complied with.

For the foregoing reasons, PRR believes the proposed rail line abandonment is exempt from under 49 U.S.C. §§ 10903-10905 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice.

Respectfully submitted,

PENNSYLVANIA LINES LLC



C. W. Moorman
Senior Vice President-Corporate Planning
and Services

Of Counsel:

James R. Paschall
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Dated: December 22, 2003

VERIFICATION

COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

C. W. Moorman, being duly sworn, deposes and says that he is Senior Vice President-Corporate Planning and Services of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-859 (Sub-No. 2X) on behalf of Pennsylvania Lines LLC; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.

C.W. Moorman

Subscribed and sworn to before me
this 18th day of December, 2003.

Kathy G. Hadrick
Notary Public

My commission expires:

6/30/04

[SEAL]

CERTIFICATION

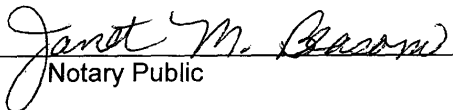
COMMONWEALTH OF PENNSYLVANIA:
SS:
COUNTY OF DAUPHIN :

D. A. Brown II makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the line between Mileposts 34.51 and 34.85 at Coatesville, Pennsylvania, over which operations are to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line since June 1, 1999, that no overhead traffic has moved over the line for since June 1, 1999 and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



D. A. Brown II

Subscribed and sworn to before me
this 3 day of November, 2003.

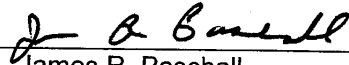

Notary Public

My commission expires:

Notarial Seal
Janet M. Beason, Notary Public
City of Harrisburg, Dauphin County
My Commission Expires Apr. 25, 2005

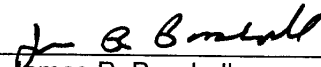
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. William Shane, Chairman, Pennsylvania Public Utility Commission; the United States Department of Defense (MTMCTEA); Regional Director-National Park Service; National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; and U. S. Department of Agriculture, Chief of the Forest Service; on December 22, 2003, by first class mail, postage prepaid.


James R. Paschall

CERTIFICATION

I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in the Daily Local News, West Chester, Pennsylvania, on December 3, 2003 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).


James R. Paschall

Dated: December 22, 2003

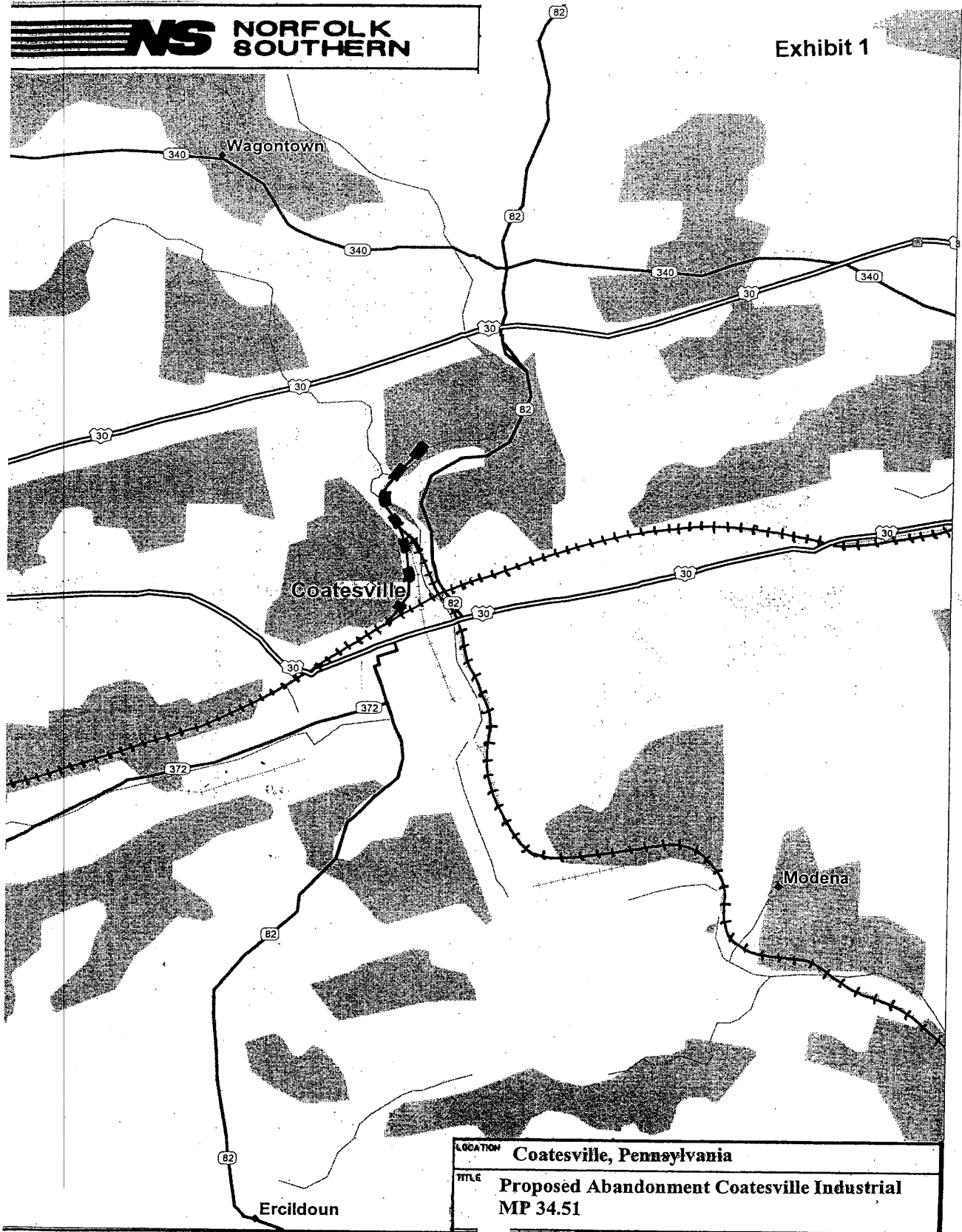


EXHIBIT 2

**ENVIRONMENTAL AND
HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN
RAILWAY COMPANY AS OPERATOR OF PENNSYLVANIA LINES, LLC
(BETWEEN MP 34.51 AND MP 34.85
COATESVILLE, PENNSYLVANIA)**

.....

**NORFOLK SOUTHERN
RAILWAY COMPANY AS OPERATOR OF PENNSYLVANIA LINES, LLC
ENVIRONMENTAL PROTECTION DEPARTMENT
110 FRANKLIN ROAD, SE
ROANOKE, VIRGINIA 24042-0013**

ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

Abandonment of: .34 miles of track between MP 34.51 and MP 34.85 in
Coatesville, Pennsylvania.

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company as operator of Pennsylvania Lines, LLC (hereinafter called PRR) proposes to abandon .34 miles of rail line in Coatesville, Pennsylvania. The Line is leased and operated under allocated assets operating agreement with the owner, PRR. A Map delineating the line proposed for abandonment is attached as **Appendix A**. PRR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as result of consultations can be found in **Appendix C**. Certification of the recipients of this report can be found in **Appendix D**.

The two alternatives to abandonment of the entire line are:

1. to not abandon; or
2. to discontinue service on the line and retain the trackage in place.

Were the line not handled in the aforementioned manner, alternative #1 would preclude any temporary impacts from salvage for recycling of the rails and crossties. However, this would eliminate the long-term environmental and social benefits.

2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. Within the last two years, no rail freight or passenger traffic has moved on the line segment proposed for abandonment.

Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

3. LAND USE

- (i) The proposed abandonment involves .34 miles of rail line in Coatesville, Pennsylvania. The land use along the rail line proposed for abandonment is 95% undeveloped and 5% developed. Where PRR owns the right-of-way (ROW) it will be allowed to naturally revegetate. Where PRR does not own the ROW, the owner and local zoning and development ordinances will control future land use.

With respect to effects of the proposed rail line abandonment on land use, PRR believes any impact will be negligible. The absence of traffic on the rail line proposed for abandonment indicates a substantial lack of rail dependent land uses in the service area. Since no rail traffic moves on the line over which service is to be abandoned, the abandonment is not expected to have any effect on existing land use, future land use, land use plans or the land use planning process. Therefore the proposed abandonment is expected to be consistent with any land use plans for the service area.

- (ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

- (iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

PRR does not have fee title to all of the ROW underlying the line proposed for abandonment; therefore, PRR will not have a contiguous corridor available for public use. This factor, together with considerations related to location, physical condition, and adjacent conditions, leads PRR to believe the ROW of the line proposed for abandonment would not be suitable for highways, other forms of mass transit, energy production related transportation facilities, conservation or recreation corridors, or other public use.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action is abandonment and does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(5) and therefore does not require a quantified analysis of emissions.

(i) Effects on Air Emissions

The State of Pennsylvania, Chester County, Valley Township, and the City of Coatesville do not have established analysis thresholds for air emissions; however, the state of Pennsylvania does have regulations regarding the emission of fugitive dust to ambient air. These regulations are published in 25 Pa. Code §123.1 and are provided in **Appendix E**. United States Environmental Protection Agency (USEPA) has National Ambient Air Quality Standards for pollutants (including ozone) as found

in 40 CFR Part 50; however, PRR does not anticipate any adverse effect on Pennsylvania's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Chester County, PA, Valley Township, and the City Of Coatesville are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the USEPA. Chester County, PA, is non-attainment for ozone. PRR does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and freon) is not contemplated, since the proposed action is abandonment.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no federal noise regulation according to the EPA. Neither the state of Pennsylvania, Chester County, nor the Valley Township have established analysis thresholds for noise.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. At grade crossings on the line to be abandoned, the potential for accidents and delays will be eliminated.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

PRR has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the ROW of the line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted and comments were requested from federal, state and local agencies. There were no potential hazardous materials/waste sites identified near the area of the proposed abandonment.

8. BIOLOGICAL RESOURCES

- (i) The US Fish and Wildlife Service (USFWS) has indicated that the “proposed project is within the known range of the bog turtle (*Clemmys muhlenbergii*), a species that is federally listed as threatened” and occurs in wetland areas. No wetlands were observed, however, during site investigations. The USFWS has also provided a list of threatened and endangered species known to occur in Pennsylvania. The Pennsylvania Department of Conservation and Natural Resources has indicated several endangered and/or threatened species that may occur in Chester County. Detailed information is provided in **Appendix F** and summarized in Table I below:

TABLE I
ENDANGERED AND/OR THREATENED SPECIES
CHESTER COUNTY, PENNSYLVANIA

	Scientific Name	Common Name	Federal Status	State Status
Animals	<i>Rana utricularia</i>	Coastal Plain Leopard Frog	--	LT
	<i>Clemmys muhlenbergii</i>	Bog Turtle	LT	LE
Plants	<i>Euphorbia purpurea</i>	Glade Spurge	--	LE
	<i>Arethusa bulbosa</i>	Swamp Pink	--	LE
	<i>Carex polymorpha</i>	Variable Sedge	--	LE
	<i>Isotria medeoloides</i>	Small Whorled Pogonia	--	LT
	<i>Aster depauperatus</i>	Serpentine Aster	--	LT

LE – Listed Endangered
LT- Listed Threatened
-- Not Applicable

PRR is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the ROW, PRR does not believe that any endangered species that might be present would be adversely affected. PRR is willing to undertake reasonable mitigating actions to protect any endangered species that might be encountered in connection with abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the line segment proposed for abandonment does not pass through any city parks, state parks/forests, national parks/forests, or wildlife sanctuaries. No adverse effects on any wildlife sanctuary, national park, state park, or city park are anticipated.

9. WATER

(i) Water Quality Standards

PRR does not intend to either remove or appreciably alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the ROW wherever possible. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action. Therefore, PRR considers the abandonment to be consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment does not cross waterways and does not pass through the 100-year flood plain. Since the geometry of the roadbed will not be significantly altered, and the aforementioned conditions are not present, no discernible effects on either the 100-year flood plains or wetlands are expected in connection with the proposed abandonment. Consequently, PRR does not believe a Section 404 permit will be required in connection with the proposed abandonment.

(iii) Section 402 Permit

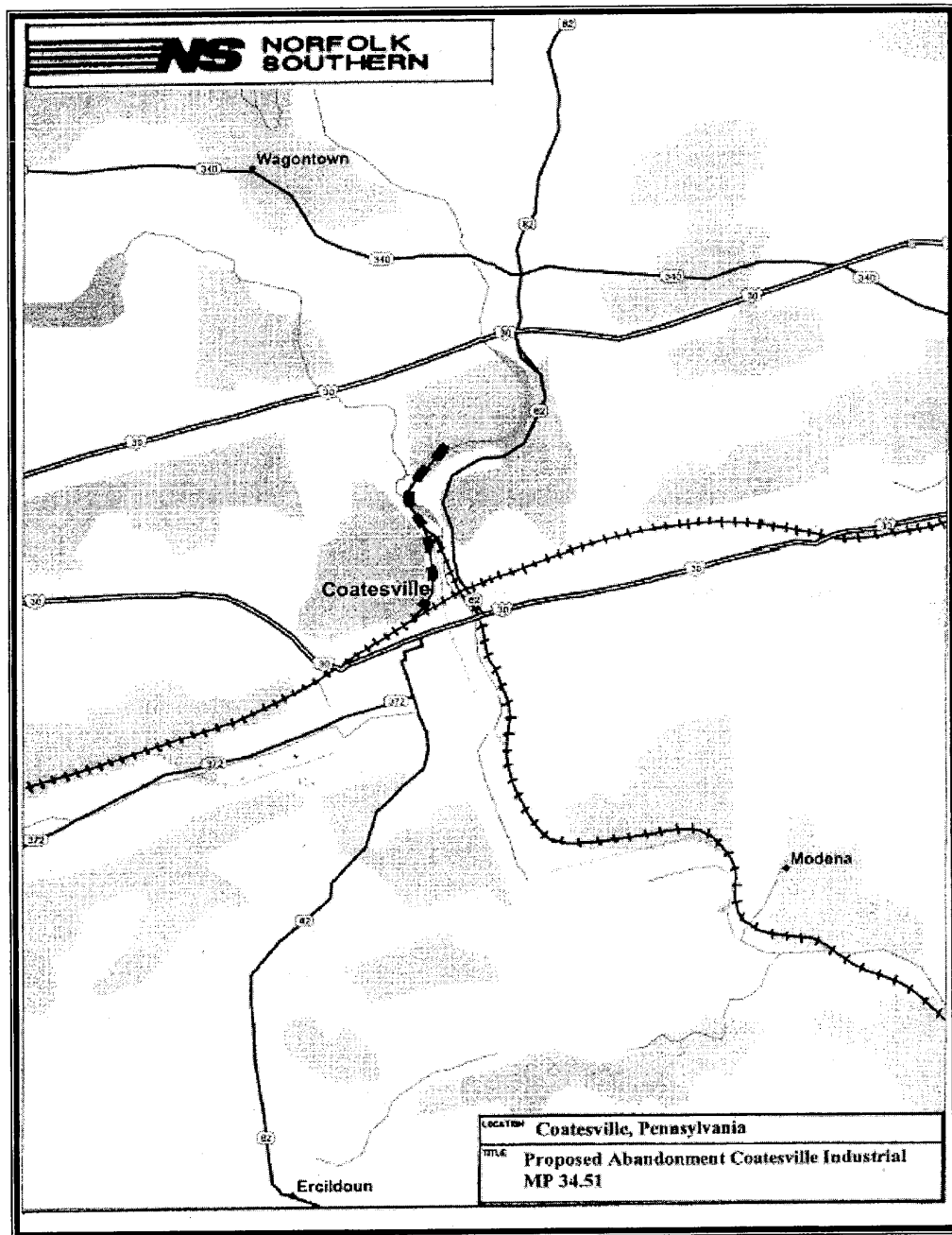
Inasmuch as PRR does not intend to either remove or appreciably alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should be negligible. PRR does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity associated with removal of rail, ties, and other railroad appurtenances will be produced by the proposed action. PRR will undertake all reasonable mitigation associated with these activities to assure that physical activities associated with the abandonment do not produce adverse environmental effects.

APPENDIX A

Site Map



APPENDIX B

Agency Letter



October 10, 2003

State Clearinghouse (or alternate):

Pennsylvania Department of Transportation
Building
P.O. Box 3441
Harrisburg, Pennsylvania 17120

State Environmental Protection Agency:

16th Floor, Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, Pennsylvania 17105-2063

**State Coastal Zone Management Agency
(if applicable)**

Not applicable

Head of each County:

Mr. Colin A. Hanna, Chairman
2 North High Street
P.O. Box 2748
West Chester, Pennsylvania 19380-0991

**Environmental Protection Agency
(regional office)**

1650 Arch Street
Philadelphia, Pennsylvania 19103

U.S. Army Corps of Engineers:

2032 William S. Moorhead Federal
1000 Liberty Avenue, Suite 1828
Pittsburgh, Pennsylvania 15222-4186

National Park Service:

U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, Pennsylvania 19106

**U.S. Natural Resources Conservation
(Service):**

Robin E. Heard, State Conservationist
One Credit Union Place, Suite 340
Harrisburg, Pennsylvania 17110-2993

National Geodetic Survey:

Mr. Richard Snay
Chief of Spatial Reference System Division
1315 East/West Highway, Room 8813
Silver Spring, MD 20910

U.S. Fish and Wildlife:

300 West Gate Center Drive
Hadley, Massachusetts 01035-9589

Re: Proposed Abandonment of the segment of rail between Milepost 34.51 and Milepost 34.85 a distance of .34 miles of track off of Highway 82 near Zeity Line Road in Coatesville, Chester County, Pennsylvania.

Dear Sir/Madam:

Norfolk Southern Railway Company plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from MP 34.51 to Milepost MP 34.85, a distance of .34 miles in Coatesville, Chester County, Pennsylvania. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F.R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U.S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U.S. FISH AND WILDLIFE SERVICE (And State Game and Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U.S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U.S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Norfolk Southern Railway Company, Mr. Larry G. Western., 110 Franklin Street, SE Box 13, Roanoke, Virginia 24042-0013. If you need any further information, please contact Mr. Western at (540) 981-4239.

Yours truly,

K .R. Miller
Director of Operations

Attachment

APPENDIX C

Agency Responses

APPENDIX D
Certification of Environmental Report
Recipients



State Clearinghouse (or alternate):

Pennsylvania Department of Transportation
Building
P.O. Box 3441
Harrisburg, Pennsylvania 17120

State Environmental Protection Agency:

16th Floor, Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, Pennsylvania 17105-2063

**State Coastal Zone Management Agency
(if applicable)**

Not applicable

Head of each County:

Mr. Colin A. Hanna, Chairman
2 North High Street
P.O. Box 2748
West Chester, Pennsylvania 19380-0991

**Environmental Protection Agency
(regional office)**

1650 Arch Street
Philadelphia, Pennsylvania 19103

U.S. Army Corps of Engineers:

2032 William S. Moorhead Federal
1000 Liberty Avenue, Suite 1828
Pittsburgh, Pennsylvania 15222-4186

National Park Service:

U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, Pennsylvania 19106

**U.S. Natural Resources Conservation
(Service):**

Robin E. Heard, State Conservationist
One Credit Union Place, Suite 340
Harrisburg, Pennsylvania 17110-2993

National Geodetic Survey:

Mr. Richard Snay
Chief of Spatial Reference System Division
1315 East/West Highway, Room 8813
Silver Spring, MD 20910

U.S. Fish and Wildlife:

300 West Gate Center Drive
Hadley, Massachusetts 01035-9589

Proposed Abandonment of the segment of rail between Milepost 34.51 and Milepost 34.85 a distance of .34 miles of track off of Highway 82 near Zeity Line Road in Coatesville, Chester County, Pennsylvania

This Environmental Report for Proposed Rail Line Abandonment was sent to the above referenced agencies on

10/10/03
Date

A handwritten signature in black ink, appearing to read 'K.R. Miller'.

K.R. Miller, Director of Operations

APPENDIX E

Fugitive Dust Regulation

FUGITIVE EMISSIONS

§ 123.1. Prohibition of certain fugitive emissions.

(a) No person may permit the emission into the outdoor atmosphere of a fugitive air contaminant from a source other than the following:

- (1) Construction or demolition of buildings or structures.
- (2) Grading, paving and maintenance of roads and streets.
- (3) Use of roads and streets. Emissions from material in or on trucks, railroad cars and other vehicular equipment are not considered as emissions from use of roads and streets.
- (4) Clearing of land.
- (5) Stockpiling of materials.
- (6) Open burning operations.
- (7) Blasting in open pit mines. Emissions from drilling are not considered as emissions from blasting.
- (8) Coke oven batteries, provided the fugitive air contaminants emitted from any coke oven battery comply with the standards for visible fugitive emissions in § § 123.44 and 129.15 (relating to limitations of visible fugitive air contaminants from operation of any coke oven battery; and coke pushing operations).
- (9) Sources and classes of sources other than those identified in paragraphs (1)—(8), for which the operator has obtained a determination from the Department that fugitive emissions from the source, after appropriate control, meet the following requirements:
 - (i) The emissions are of minor significance with respect to causing air pollution.
 - (ii) The emissions are not preventing or interfering with the attainment or maintenance of an ambient air quality standard.

(b) An application form for requesting a determination under either subsection (a)(9) or § 129.15(c) is available from the Department. In reviewing these applications, the Department may require the applicant to supply information including, but not limited to, a description of proposed control measures, characteristics of emissions, quantity of emissions and ambient air quality data and analysis showing the impact of the source on ambient air quality. The applicant is required to demonstrate that the requirements of

subsections (a)(9) and (c) and § 123.2 (relating to fugitive particulate matter) or of the requirements of § 129.15(c) have been satisfied. Upon such demonstration, the Department will issue a determination, in writing, either as an operating permit condition, for those sources subject to permit requirements under the act, or as an order containing appropriate conditions and limitations.

(c) A person responsible for any source specified in subsections (a)(1)—(7) or (9) shall take all reasonable actions to prevent particulate matter from becoming airborne. These actions include, but not be limited to, the following:

(1) Use, where possible, of water or chemicals for control of dust in the demolition of buildings or structures, construction operations, the grading of roads or the clearing of land.

(2) Application of asphalt, oil, water or suitable chemicals on dirt roads, material stockpiles and other surfaces which may give rise to airborne dusts.

(3) Paving and maintenance of roadways.

(4) Prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

(d) The requirements contained in subsection (a) and § 123.2 do not apply to fugitive emissions arising from the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.

Source

The provisions of this § 123.1 adopted September 10, 1971, effective September 11, 1971, 1 Pa.B. 1804; amended March 3, 1972, effective March 20, 1972, 2 Pa.B. 383; amended August 12, 1977, effective August 29, 1977, 7 Pa.B. 2251. Immediately preceding text appears at serial pages (4620) and (24610).

Notes of Decisions

Agency Authority

Although the Department of Environmental Resources under the Air Pollution Control Act (35 P. S. § 4001 et seq.) had been granted specific authority by the Legislature to regulate "air contamination sources" producing "air pollution" that includes obnoxious odors, nowhere was there any grant of authority to the Public Utility Commission, either directly or indirectly, to regulate air pollution emanating from a public utility. *Country Place Waste Treatment Co. v. Pennsylvania Public Utility Commission*, 654 A.2d 72 (Pa. Cmwlth. 1995).

Application

The Department may utilize this section in an effort to specifically control an alleged fugitive air contaminant despite the fact certain sources of this contaminant, as well as the dust itself, might have been concurrently involved in an application of § 123.13 (relating to

processes) as it relates to nonfugitive air contaminants or particulate matter emissions. *Commonwealth v. Locust Point Quarries Inc.*, 72 Pa. D. & C.2d 700 (1975).

Application Properly Denied

The Department was required to deny an application for reactivation of beehive coke ovens, regardless of economic consequences, when the application did not provide information which would show that the ovens would meet the limitations applicable to fugitive emissions, and constitutional rights are not violated even though there is no known method to operate beehive coke ovens in compliance with this title. *Rochez Brothers Inc. v. Department of Environmental Resources*, 334 A.2d 790 (Pa. Cmwlth. 1975).

Burden of Proof

Testimony by the environmental group's president that the air was polluted (that is, "fuming" resulted from the reaction process used to treat waste at the industrial processors facility) was not credible on the issues relating to the existence or cause of air quality problems as would shift the burden of proof to the Department of Environmental Resources to justify the issuance of the solid waste disposal permit. *Concerned Citizens of Yough, Inc. v. Department of Environmental Resources*, 639 A.2d 1265 (Pa. Cmwlth. 1994).

The Commonwealth need not prove that the fugitive dust emissions in question caused or contributed to a condition of air pollution because the determination that such emissions cause or contribute to a condition of air pollution had already been made at the time the section was promulgated, and the section is reasonably understandable and specific. *Department of Environmental Resources v. Locust Point Quarries, Inc.*, 396 A.2d 1205 (Pa. 1979).

Construction

Since § 123.2 (relating to fugitive particulate matter) applies only to the nine exemptions listed in (a)(1)—(9), the two sections do not overlap and either one can stand alone as a basis for a violation. *Medusa Corp. v. Department of Environmental Resources*, 415 A.2d 105 (Pa. Cmwlth. 1980).

Criminal Prosecution

To prove a criminal violation of this section, as modified by § 123.13 (relating to processes), scientific evidence must be introduced proving beyond a reasonable doubt that the offensive fugitive emissions exceeded the permissible maximum set forth in § 123.12 (relating to incinerators). *Department of Environmental Resources v. Locust Point Quarries Inc.*, 367 A.2d 392 (Pa. Cmwlth. 1976).

Evidence

To properly challenge the reasonableness of this section, evidence must be presented to establish that the section will not aid in reaching national ambient air quality standards and that the proscribed activity is insignificant as a cause of air pollution. *Department of Environmental Resources v. Locust Point Quarries, Inc.*, 396 A.2d 1205 (Pa. 1979).

A conviction for violation of this section cannot be sustained absent sufficient visual and/or scientific evidence to establish that the quarry dust observed by Department agents was such as to constitute air pollution as defined by the Air Pollution Control Act. *Commonwealth v. Locust Point Quarries Inc.*, 72 Pa. D. & C.2d 700 (1975).

Fugitive Emissions

A fugitive emission is an emission of an air contaminant in a specific manner and it includes particulate matter, sulfur compounds, odor and visible emissions if emitted other than through a flue. *Department of Environmental Resources v. Locust Point Quarries, Inc.*, 396 A.2d 1205 (Pa. 1979).

General Comment

This section was intended to stand alone and be construed independently of § 123.13 (relating to processes). *Department of Environmental Resources v. Locust Point Quarries, Inc.*, 396 A.2d 1205 (Pa. 1979).

Minor Significance

The comment by the Environmental Hearing Board that the operator failed to invoke the "minor significance" exception of (a)(9) was proper because the exception existed throughout the relevant time period of 1973 to 1976, and the procedural provisions added by a 1977 amendment were immaterial. *Medusa Corp. v. Department of Environmental Resources*, 415 A.2d 105 (Pa. Cmwlth. 1980).

A rock quarry was not a source of minor significance within the meaning of § 127.14 (relating to exemptions) if nothing in the record supported such a determination and the DER had not so determined. *Mignatti Construction Co., Inc. v. Environmental Hearing Board*, 411 A.2d 860 (Pa. Cmwlth. 1980).

Review

A request for a grace period for compliance with a temporary variance did not have a res judicata effect on a subsequent request for an exemption from emission control requirements under this provision, since there was no identity of the thing sued for. *Bethlehem Steel Corporation v. Department of Environmental Resources*, 390 A.2d 1383 (Pa. Cmwlth. 1978).

On appeal from the Department's refusal to grant applicant permission to reactivate certain coke ovens, if the appellant did not show that the oven would meet the limitations in this title, but showed only the "dire need" for the coke to be produced, the scope of review is limited to whether constitutional rights were violated, an error of law committed, or any necessary finding of fact was not supported by the evidence. *Rochez Brothers, Inc. v. Department of Environmental Resources*, 334 A.2d 790 (Pa. Cmwlth. 1975).

Cross References

This section cited in 25 Pa. Code § 77.108 (relating to permit for small noncoal operations); 25 Pa. Code § 121.8 (relating to compliance responsibilities); 25 Pa. Code

§ 123.2 (relating to fugitive particulate matter); 25 Pa. Code § 123.42 (relating to exceptions); 25 Pa. Code § 129.15 (relating to coke pushing operations); and 25 Pa. Code § 264.521 (relating to design and operating standards).

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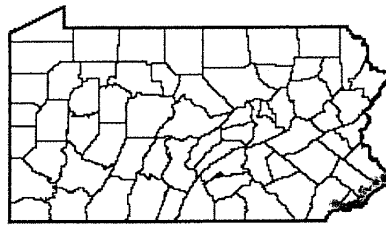
APPENDIX F
Federal and State Threatened and
Endangered Species Listings

Coastal Plain Leopard Frog *Rana utricularia*

photo by Robert T. Zappalorti

ENDANGERED

maximum length- 4 to 4 1/2 inches



● - verified after 1980 ○ - historical occurrences

IDENTIFYING CHARACTERISTICS: This 2- to 3.7-inch frog is similar to the common northern leopard frog but differs as follows: often a light spot in center of eardrum; longer, more pointed snout; fewer spots on sides; spots on back more elongate and not rimmed with lighter color; vocal sacs of male are visible externally; and the top of the snout lacks a dark spot.

BIOLOGY-NATURAL HISTORY: Breeding takes place in early spring, when males may be heard calling between midnight and daylight. The call is a short, guttural trill (pulse rate 13 per second or less, versus 20 per second for the northern leopard frog) followed by two or three clucking sounds. Eggs are laid in flattened clusters attached to submerged plant stems or sticks in shallow water. Eggs hatch within several weeks, and the tadpoles begin transforming to the adult stage, when less than an inch, about three months later. As transformation approaches, the tadpoles' tails become conspicuously blotched with black. Adults may wander from the breeding sites during the summer.

REASONS FOR BEING ENDANGERED: The coastal plain leopard frog is endangered because of the loss of its breeding sites to industrial activity.



The Pennsylvania Department of Conservation and Natural Resources

ENDANGERED**Bog Turtle***Clemmys muhlenbergii*

Photo Credit: Clark Shiffer

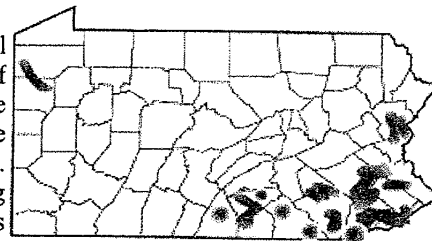
IDENTIFYING CHARACTERISTICS: The bog turtle is among the smallest North American turtles. Adults are four to 4 1/2 inches long. The upper shell is dark brown with yellow to orange markings and covered with ridged plates that are eventually worn smooth; the lower shell is dark brown or black, sometimes with scattered light markings. A large red-orange or yellow blotch behind each eye is the most conspicuous color feature of an otherwise brown body lightly marked with orange or yellow.

BIOLOGY-NATURAL HISTORY: Mating takes place in May and early June. Each female then digs a nest and lays a clutch of three to five eggs during June or July. Eggs receive no parental care, and hatchlings leave the nest several months later. Adults and young feed on a variety of plant and animal food, such as berries, insects and even carrion. They do not wander far from hibernating sites in spring seepage, which they leave in April or May and return to in late summer. Summer hibernation (aestivation) may occur during July and August; individuals are otherwise encountered basking on sedge tussocks or moving slowly about in spring runs under concealing vegetation. When danger threatens, individuals burrow rapidly into the mucky bottom of spring runs.

PREFERRED HABITAT: Bog turtles live in relatively open portions of sphagnum bogs, swamps or marshy meadows with slow moving, spring fed streams or spring runs with soft bottoms.

REASONS FOR BEING ENDANGERED: The primary reason for the bog turtle's status is the draining or other destruction of its habitat. Because bog turtles have always been considered the rarest of North American turtles, they are highly valued by turtle fanciers in this country, and possibly twice as much overseas. Many, therefore, have been illegally removed for commercial purposes. Since their habitats are widely separated, other turtles are not likely to move in and replace those removed.

MANAGEMENT PRACTICES: Informal agreements concerning the continued occurrence of the turtles have been made with owners of private property where bog turtles exist. Field surveys have determined the status of historical and new sites. Also, permit review and commentary concerning public use projects where bog turtle habitat is involved is ongoing.



● = verified after 1980 ● = historical occurrences



The Pennsylvania Department of Conservation and Natural Resources

ENDANGERED

Glade Spurge

Euphorbia purpurea Fern.



Photo Credit: Ann Rhoads, Morris Arboretum

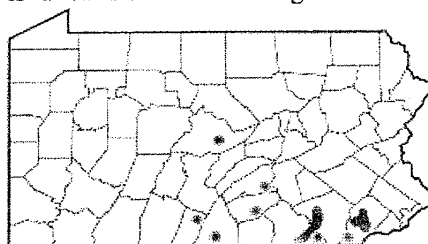
IDENTIFYING CHARACTERISTICS: Glade spurge is a perennial herb with thick stems up to three feet tall. The entire 3-inch leaves are hairy, feeling soft to the touch. Flowers emerge from slender branches in the upper leaf axils. They are small, purple and cup-shaped, and have no petals.

BIOLOGY-NATURAL HISTORY: Glade spurge was first described from plants collected in Pennsylvania in 1838. The genus *Euphorbia* belongs to the Spurge Family (*Euphorbiaceae*). Like other euphorbias, the glade spurge has milky sap which may repel plant-eating insects and other animals. Glade spurge sprouts from a short thick underground stem. It blooms from July to September.

PREFERRED HABITAT: This species is found in rich seepage wetlands and thickets, from New Jersey and Pennsylvania, west to Ohio and south to Tennessee and North Carolina.

REASONS FOR BEING ENDANGERED: Glade surge is a species of special concern throughout its natural range. It is listed as endangered in Pennsylvania and Maryland, threatened in Virginia and extirpated in Delaware. In Pennsylvania, 13 plant sites were documented in the past. Of these, one was destroyed by agriculture, three support suitable habitat but no plants, four have healthy glade spurge populations, and six locations remain to be searched. A previously unknown population was discovered during field surveys of appropriate habitat. The glade spurge is threatened by habitat destruction and water quality degradation.

MANAGEMENT PROGRAMS: This species is a candidate for listing as federally endangered or threatened by the USF&WS. One population site is owned by The Nature Conservancy and is being monitored annually. Three other sites are owned by either the Bureau of State Parks, the Game Commission or Bureau of Forestry. The Forestry site is located in a designated natural area. Agreements are being developed between the agencies to monitor and protect the plants.



● = verified after 1980 ● = historical occurrences



The Pennsylvania Department of Conservation and Natural Resources

ENDANGERED

Swamp Pink

Arethusa bulbosa L.

Photo Credit: Paul Wiegman, Western Pennsylvania Conservancy

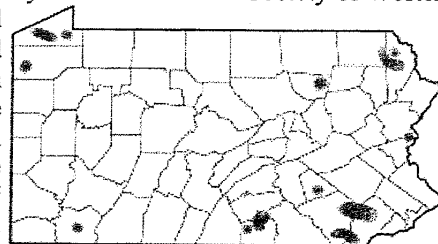
IDENTIFYING CHARACTERISTICS: The swamp pink is a magenta-pink orchid with flowers one to two inches long. The lower lip is purple-spotted and crested with yellow hairs. The flower stalk, 2 to 15 inches, arises from a bulb loosely rooted among mosses. A single, grasslike leaf develops after the plant blooms.

BIOLOGY-NATURAL HISTORY: Swamp pink, an herbaceous perennial, is a member of the Orchid Family (*Orchidaceae*). Flowers bloom in May and June. It is rare throughout its range. There are only two species of *Arethusa* in the world, ours and one in Japan.

PREFERRED HABITAT: Swamp pink grows in open, sunny sphagnum moss bogs and swampy meadows. This species ranges from Newfoundland to Minnesota, south to Delaware, Maryland and northern Indiana, and in the mountains to South Carolina, but it is apparently absent from large portions of this range.

REASONS FOR BEING ENDANGERED: Only three of 26 historical populations in Pennsylvania can still be found. One population was destroyed when its wetland habitat was inundated during the creation of Pymatuning Reservoir. Eight populations have not been relocated although suitable habitat still remains at the sites. It is suspected that these plants were stolen. Collection, deer browsing, and habitat destruction contribute to the decline of this beautiful orchid.

MANAGEMENT PROGRAMS: One population is in a privately owned natural area. The site is monitored by the Presque Isle Audubon Society and the Botanical Society of Western Pennsylvania. Habitat at a second site is protected by current state regulations. Plants from the third site located on State Forest land will be included in the Public Wild Plant Sanctuary Network. State regulations prohibit the taking of any plant from State Forests. In addition, the Wild Resource Conservation Act sets fines for removal of Endangered and Threatened plant species, without landowner permission, at \$100 per plant.



● = verified after 1983 ● = historical occurrences



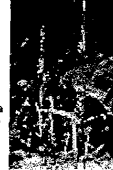
The Pennsylvania Department of Conservation and Natural Resources

ENDANGERED

Variable Sedge

Carex polymorpha Muhl.

Photo Credit: Ann Rhoads, Morris Arboretum



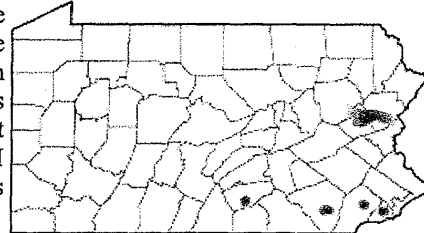
IDENTIFYING CHARACTERISTICS: Plants of this genus are grass-like but differ by having triangular rather than round stems. A papery wrapper-unique to sedges-called the perigyna, surrounds the fruit. Variable sedges grow in tufts one to two feet high, with leaves less than a 1/4-inch wide. The shoots are reddish at the base. Flower spikes have many tiny flowers without petals but with purplish and reddish brown scales.

BIOLOGY-NATURAL HISTORY: Variable sedge is a perennial, sending up shoots from a stout, woody rhizome. It flowers from June through August.

PREFERRED HABITAT: The variable sedge is found in open woods, associated with pitch pine, scrub oak or red maple in northeastern Pennsylvania. The substrate is composed of a thin, sandy organic layer which overlays fine-textured, saturated soils. This species grows in approximately 20 scattered colonies from Maine to Virginia.

REASONS FOR BEING ENDANGERED: This rare sedge is considered a species of special concern in the 12 states in which it is known to occur or have occurred. Three sites in southeastern Pennsylvania were destroyed by agriculture or development. Of the eight populations remaining here, three are threatened by second-home development and suburban sprawl.

MANAGEMENT PROGRAMS: The variable sedge is listed as a candidate for federal protection by the USF&WS. Two populations occur on public lands managed by the Bureau of Forestry and Game Commission. These locations may be designated as public plant sanctuaries. A third site occurs within the Appalachian National Scenic trail. The Nature Conservancy and private water authorities own two of the largest populations. Private landowners should be contacted and encouraged to protect plants on their property. Permit review using PNDI will aid in avoiding impact to locations jeopardized by development.



● - verified after 1983 ● - historical occurrences



The Pennsylvania Department of Conservation and Natural Resources

ENDANGERED

Small Whorled Pogonia

Isotria medeoloides Raf.

Photo Credit: Paul Wiegman, Western Pennsylvania Conservancy



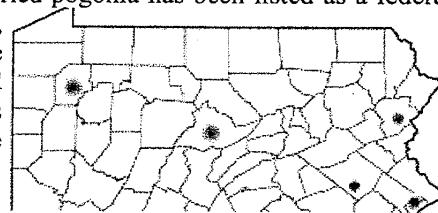
IDENTIFYING CHARACTERISTICS: The small whorled pogonia is a delicate orchid with a stout, upright stem eight to 10 inches high, topped with a whorl of four to six (usually five) leaves. Single or paired yellowish-green flowers, 1-inch long, arise from the center of the leaf whorl. This species is most clearly distinguished from the more common *I. verticillata* (large whorled pogonia) by the shape of the sepals. Sepals in the small whorled pogonia are greenish, not spreading, and are less than an inch long. The large whorled pogonia has widely spreading, purplish sepals, 1 1/4 to 2 1/2 inches long.

BIOLOGY-NATURAL HISTORY: The small whorled pogonia is a member of the Orchid Family (*Orchidaceae*). Both *Isotria* species are perennials found only in the Eastern United States. *I. medeoloides* is very sparsely distributed from southern Ontario, Canada and Maine, south to Georgia and west to Illinois. Within this region, only 12 of the 17 states which have historically recorded plant sites, are known to still have them. This species is noted for long periods of dormancy, such that colonies often fluctuate in apparent size from year to year. Plants bloom in May and June.

PREFERRED HABITAT: Nearly all small whorled pogonia populations occur in second growth or relatively mature forests. Pennsylvania populations seem to be most abundant on dry east or southeast facing hillsides in mixed oak forests. The soils are generally rocky and somewhat acidic.

REASONS FOR BEING ENDANGERED: The small whorled pogonia is considered our rarest orchid. Only three populations are known in Pennsylvania. Data collected by The Nature Conservancy in 1985 show that approximately 52 populations existed from Ontario to South Carolina. The main threats to this endangered orchid are collecting and habitat alteration.

MANAGEMENT PROGRAMS: The small whorled pogonia has been listed as a federal endangered species since 1982. Inventory, monitoring, and protection work initiated by the Western Pa. Conservancy, will be continued through the use of federal endangered species funds. Plants located on public land will be protected by the managing agency.





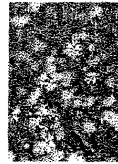
The Pennsylvania Department of Conservation and Natural Resources

THREATENED

Serpentine Aster

Aster depauperatus Fern.

Photo Credit: Ann Rhoads, Morris Arboretum



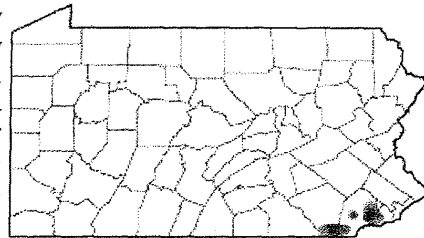
IDENTIFYING CHARACTERISTICS: Serpentine aster flowers have daisy-like composite heads. What looks like a simple flower is actually a cluster of short white ray flowers surrounding a central disk of tiny tubular flowers. The slender, wiry 1 foot stems are branched and smooth. The leaves are variable in shape and size and usually dry up before the flowers open.

BIOLOGY-NATURAL HISTORY: Serpentine aster belongs to the Aster Family (*Asteraceae*). As its name implies, this species is a plant of serpentine habitats. The mineral serpentine contains toxic amounts of magnesium, nickel and chromium and lacks calcium, potassium and phosphorous. Plants that grow in serpentine soils are usually much different from their relatives in surrounding habitats. This plant is no exception, being much shorter and having smaller leaves than more common asters. How these plants obtain the necessary minerals and avoid being poisoned is still being studied by plant scientists. Serpentine asters bloom from August to October.

PREFERRED HABITAT: Serpentine barrens are a unique habitat type, locally found in parts of Chester, Delaware and Lancaster counties in Pennsylvania and Cecil County, Maryland.

REASONS FOR BEING THREATENED: Of the 16 known serpentine aster populations, only five are adequately protected. In the mid-1800s magnesite was mined from serpentine barrens for the production of epsom salt. Serpentine has also been used as road base material. Quarrying, housing and industrial development continue to jeopardize the 11 remaining sites.

MANAGEMENT PROGRAMS: Serpentine aster is listed as a candidate for federal protection by the USF&WS. One plant site, partly owned by The Nature Conservancy, is managed by the Bureau of Forestry as a State Forest Natural Area. A second is owned by Tyler Arboretum; a third is managed as a county park. Landowner agreements are being pursued for protecting two other sites. State permit review should help protect other sites threatened by development.



● = verified after 1980 ○ = historical occurrences

Threatened and Endangered Species System (TESS)

Listings by State and Territory as of 10/09/2003

Pennsylvania

Notes:

- Displays one record per species or population.
- This list includes experimental populations and similarity of appearance listings.
- The range of a listed population does not extend beyond the states in which that population is defined.
- Includes non-nesting sea turtles and whales in State/Territory coastal waters.
- Includes species or populations under the sole jurisdiction of the [National Marine Fisheries Service](#).

Go to the [Threatened and Endangered Wildlife and Plants Page](#)
 Go to the [TESS Home Page](#)

[Back to Table of Contents](#)

- Click on the highlighted scientific names below to view a Species Profile for each listing.

Pennsylvania -- 17 listings

Animals -- 14

Status	Listing
E	Bat, Indiana (Myotis sodalis)
E	Clubshell Entire Range; Except where listed as Experimental Populations (Pleurobema clava)
T	Eagle, bald (lower 48 States) (Haliaeetus leucocephalus)
E	Mucket, pink (pearlymussel) (Lampsilis abrupta)
E	Pearlymussel, cracking Entire Range; Except where listed as Experimental Populations (Hemistena lata)
E	Pigtoe, rough (Pleurobema plenum)
E	Pimpleback, orangefoot (pearlymussel) (Plethobasus cooperianus)
E	Plover, piping (Great Lakes watershed) (Charadrius melodus)
E	Puma (=cougar), eastern (Puma (=Felis) concolor cougar)
E	Riffleshell, northern (Epioblasma torulosa rangiana)
E	Ring pink (mussel) (Obovaria retusa)
T	Turtle, bog (=Muhlenberg) (northern) (Clemmys muhlenbergii)
E	Wedgemussel, dwarf (Alasmidonta heterodon)
T	Wolf, gray Eastern Distinct Population Segment (Canis lupus)

Plants -- 3

Status	Listing
T	Pogonia, small whorled (Isotria medeoloides)
E	Bulrush, Northeastern (Scirpus ancistrochaetus)
T	Spiraea, Virginia (Spiraea virginiana)

ATTACHMENT 1

CONSULTATIONS

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3391

Environmental Resources Branch

OCT 28 2003

Mr. Larry Western
Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

Dear Mr. Western:

This is in response to your October 10, 2003 letter and environmental report regarding an environmental impact review by the U.S. Army Corps of Engineers for the proposed Norfolk Southern Railway Company rail line abandonment project (Docket 1-9-5-4) in Coatesville, Chester County, Pennsylvania.

A review of the Environmental Report reveals that there is the potential for impacts to waters of the United States and wetlands within or adjacent to the .34 miles of rail line proposed for abandonment. However, the information provided on the map and in the Environmental Report is insufficient to make a determination. Based on the information provided, the extent of roadbed geometry alteration is unclear. Without a detailed description of where and how the work will be accomplished in relation to waters of the United States and wetlands, a determination of impacts cannot be made.

Pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, a Department of the Army permit is required for work or placement of structures in navigable waters of the United States and the discharges of dredged or fill material into waters of the United States including their adjacent wetlands. Discharges of fill material include activities such as: the placement of rock, sand, dirt, or other material for the construction of any structures, impoundment or site development; grading; fill associated with the creation of ponds; and property protection or reclamation devices such as riprap and breakwaters. Any proposal involving the performance of the above or similar activities within the area of Federal jurisdiction, whether the work is permanent or temporary, will require the prior approval of the Corps.

If a Department of the Army Permit is necessary for this project, the Corps would be concerned with impacts of the proposed project to water resources, including water quality, impacts to wetlands, and potential alternatives that would minimize and/or eliminate wetlands involvement; proposed handling of excavated material in aquatic and wetland areas; the

-2-

occurrence, if any, of endangered species within the project area; and potential impacts to cultural resources within the project area.

Please be advised that the presence and extent of waters and wetlands within the project area must be identified if any activities associated with the rail abandonment project should impact these resources. If you have any questions regarding the jurisdiction and permitting procedures, please contact the Philadelphia District Regulatory Branch at (215) 656-6726.

If you have any questions regarding this letter, or have additional information to provide on this matter, please contact Mr. Gregory Wacik of the Environmental Resources Branch at (215) 656-6561.

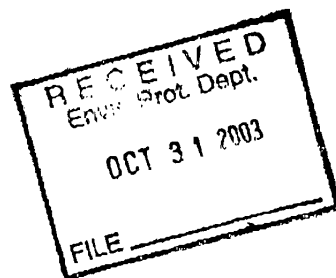
Sincerely,



for Minas M. Arabatzis
Chief, Planning Division

Copy Furnished:

CENAP-OP-R





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

OCT 22 2003

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of Norfolk Southern Railway Company for .34 miles of rail line between Milepost 34.51 to Milepost 34.85 at Coatesville, Chester County, Pennsylvania, STB Docket No. - Not Available, has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 2 geodetic station markers have been identified that may be affected by the proposed abandonment; a listing of these markers is enclosed. Additional information about these station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for these two data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

If further information is needed for this geodetic marker, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

Richard A. Snay
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
L. G. Western, Norfolk Southern Railway Co.



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NORFOLK SOUTHERN RAILWAY COMPANY
AT COATESVILLE, CHESTER COUNTY, PENNSYLVANIA

STB DOCKET NO. - NOT AVAILABLE

2 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
JU1483	RV 50 RDGRR	N395904	W0754933
JU1482	RV 51 RDGRR	N395931	W0754945



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 10, 2003
1-9-5-4

Pennsylvania Department of Transportation
P.O. Box 3441
Harrisburg, Pennsylvania 17120

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from
Milepost 34.51 to Milepost 34.85, a distance of .34 miles in Coatesville, Chester County, Pennsylvania


Dear Sir/Madam:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 34.51 to Milepost 34.85 at Coatesville, Chester County, Pennsylvania. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is misleading or incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1552 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

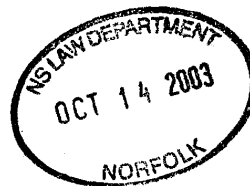
Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Sincerely,


K. R. Miller
Director Environmental
Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps





Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 10, 2003
1-9-5-4

U.S. Army Corps of Engineers
2032 William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1828
Pittsburgh, Pennsylvania 15222-4186

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from Milepost 34.51 to Milepost 34.85, a distance of .34 miles in Coatesville, Chester County, Pennsylvania


Dear Sir/Madam:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 34.51 to Milepost 34.85 at Coatesville, Chester County, Pennsylvania. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is misleading or incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1552 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Sincerely,


K. R. Miller
Director Environmental
Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 10, 2003
1-9-5-4

State Environmental Protection Agency
16th Floor, Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, Pennsylvania 17105-2063

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from Milepost 34.51 to Milepost 34.85, a distance of .34 miles in Coatesville, Chester County, Pennsylvania


Dear Sir/Madam:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 34.51 to Milepost 34.85 at Coatesville, Chester County, Pennsylvania. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 10, 2003
1-9-5-4

National Park Service
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, Pennsylvania 19106

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from Milepost 34.51 to Milepost 34.85, a distance of .34 miles in Coatesville, Chester County, Pennsylvania


Dear Sir/Madam:

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Operations

Attachment

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J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 10, 2003
1-9-5-4

Robin E. Heard
State Conservationist
U.S. Natural Resources Conservation
One Credit Union Place, Suite 340
Harrisburg, Pennsylvania 17110-2993

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from Milepost 34.51 to Milepost 34.85, a distance of .34 miles in Coatesville, Chester County, Pennsylvania


Dear Ms. Heard:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 34.51 to Milepost 34.85 at Coatesville, Chester County, Pennsylvania. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Director Environmental
Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 10, 2003
1-9-5-4

Mr. Colin A. Hanna
Chairman
2 North High Street
P.O. Box 2748
West Chester, Pennsylvania 19380-0991

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from Milepost 34.51 to Milepost 34.85, a distance of .34 miles in Coatesville, Chester County, Pennsylvania


Dear Mr. Hanna:

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K. R. Miller
Director Environmental
Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 10, 2003
1-9-5-4

Mr. Richard Snay
Chief of Spatial Reference System Division
National Geodetic Survey
1315 East/West Highway, Room 8813
Silverspring, Maryland 20910

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from Milepost 34.51 to Milepost 34.85, a distance of .34 miles in Coatesville, Chester County, Pennsylvania

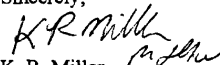
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Sincerely,


K. R. Miller
Director Environmental
Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 10, 2003
1-9-5-4

Environmental Protection Agency Regional Office
1650 Arch Street
Philadelphia, Pennsylvania 19103

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from Milepost 34.51 to Milepost 34.85, a distance of .34 miles in Coatesville, Chester County, Pennsylvania

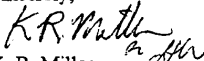
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Sincerely,


K. R. Miller
Director Environmental
Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 10, 2003
1-9-5-4

Mr. Richard O. Bennett
Regional Director
U.S. Fish and Wildlife
300 West Gate Center Drive
Hadley, Massachusetts 01035-9589

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment from Milepost 34.51 to Milepost 34.85, a distance of .34 miles in Coatesville, Chester County, Pennsylvania


Dear Mr. Bennett:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service between Milepost 34.51 to Milepost 34.85 at Coatesville, Chester County, Pennsylvania. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

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Sincerely,


K. R. Miller
Director Environmental
Operations

Attachment

CC: L. G. Western
J. R. Paschall
J. M. Lipps

ATTACHMENT #2

HISTORIC REPORT



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

Writer's Direct Dial Number

(757) 629-2752

November 11, 2003

Mr. Brent D. Glass, Executive Director
Pennsylvania Historical and Museum Commission
P. O. Box 1026
Harrisburg, PA 17108

Re: Docket No. AB-859 (Sub-No. 2X), Pennsylvania Lines LLC (PRR) –
Abandonment – at Coatesville, PA

Dear Mr. Glass:

On or about December 11, 2003, we expect to be filing with the Surface Transportation Board a notice of exemption seeking authority for PRR to abandon its .34-mile rail line located between railroad mileposts 34.51 and 34.85 at Coatesville, Pennsylvania. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at the above telephone number or address.

Yours very truly,

James R. Paschall

JRP/sg

HISTORIC REPORT
PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Pennsylvania Lines LLC (PRR) proposes to abandon .34 mile of rail line between Mileposts 34.51 and 34.85 at Coatesville, Pennsylvania. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for PRR.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Pennsylvania Historical and Museum Commission.
- (2) **Written Description of Right of Way** -- The right of way width varies but is generally 30-32 feet on each side of the main track centerline. The line passes through undeveloped (95%) and developed (5%) areas.
- (3) **Photographs** -- A photograph of a cattle crossing was furnished to the Pennsylvania Historical and Museum Commission.
- (4) **Date of Construction of Structures** -- Not applicable.
- (5) **History of Operations and Changes Contemplated** -- In the related petitions to the Surface Transportation Board (STB) for an exemption from regulation by the STB under the Interstate Commerce Commission Termination Act (ICCTA), Pennsylvania Lines LLC seeks an exemption from the prior approval requirements

of 49 U.S.C. 10903 for PRR's proposed abandonment of a 0.34-mile line between Mileposts 34.51 and 34.85 at Coatesville, Pennsylvania (or the "Line"). The Line was previously referred to by Consolidated Rail Corporation (Conrail) as the "Coatesville Industrial Track."

The segment to be abandoned is the stub-end of a line of the Wilmington and Northern Railroad Company that was part of the Reading Company system, but which was subsequently turned into a minor branch line after abandonments of the through line and changes in operation, especially during the period of Conrail operation of the property. Conrail initiated the process of negotiating a sale of this line segment to the City of Coatesville in May 1999, before Norfolk Southern Railway Company (NSR) began the operation of Conrail property allocated to PRR as part of the Conrail Control Transaction approved by the STB in a decision served July 20, 1998. No service has been provided over this segment since before June 1, 1999, when NSR's operation of the PRR allocated assets began. Because this property is in an area where PRR was allocated the Conrail lines and assets, NSR, as operator of the PRR property, has succeeded to the task of concluding the sale transaction with the City of Coatesville, including filing with the STB for an abandonment exemption for PRR with respect to the line segment. Since NSR has never operated over the segment, nor was it ever intended for NSR to operate over the segment, but only to conclude the abandonment and sale to the City, NSR believes that a separate notice of exemption for NSR to abandon its operating rights over the segment as a PRR operating line is not required.

The subject Line is now a dead-end branch line that was part of a longer branch line that was originally constructed by a predecessor of a Reading Company lessor, Wilmington and Reading Railroad Company, in 1870.

The Wilmington and Reading Railroad Company was incorporated under the general laws of Pennsylvania May 29, 1866. It was formed by the consolidation of The Berks and Chester Railroad Company with The Delaware and Pennsylvania State Line Railroad Company. Neither company had finished the construction of any operating lines.

Wilmington and Reading Railroad Company constructed 72 miles of line consisting of a 63-mile main line between Wilmington, DE and Birdsboro, PA and a 9-mile branch line from Birdsboro, PA to New Cut, PA. The main line from Wilmington, DE to Coatesville, PA was opened on September 1, 1869 and the line between Coatesville, PA and Birdsboro, PA was opened the following year. The branch line between Birdsboro, PA and New Cut, PA was constructed and opened for operation in 1874.

On December 4, 1876, Wilmington and Reading Railroad Company sold its Pennsylvania and Delaware properties, respectively, under foreclosure to the bondholders of Wilmington and Northern Railroad Company of Pennsylvania and Wilmington and Northern Railroad Company of Delaware, which companies were consolidated to form Wilmington and Northern Railroad Company on April 3, 1877.

The Wilmington and Northern Railroad Company constructed 18 miles of branch lines on various dates prior to the date of the ICC's valuation, June 30, 1917,

when its inventoried mileage was 89.996 miles. The Reading Company owned the entire capital stock of The Wilmington and Northern Railroad Company on the date of the ICC's valuation, June 30, 1917.

The mortgage on the Philadelphia and Reading Railroad Company property was foreclosed in 1896. The Philadelphia and Reading Railroad's properties were sold on September 23, 1896 and reorganized on October 17, 1896 as Philadelphia and Reading Railway Company.

The Wilmington and Northern Railroad Company was operated by its own organization until it was leased to the Philadelphia and Reading Railway Company for 999 years from February 1, 1900. The lease was assumed by the Reading Company on December 31, 1923, and supplemented November 7, 1947.

On December 31, 1923, pursuant to a court decree, the Reading Company merged twelve of its wholly-owned operating subsidiaries, including the Philadelphia and Reading Railway Company, into one operating company under the Reading Company name. The Reading Company adopted certain leases of the Philadelphia and Reading Railway Company and its other predecessors, including the lease of the Wilmington and Northern Railroad Company.

The Reading Company filed a petition for reorganization under Section 77 of the Bankruptcy Act in the United States District Court for the Eastern District of Pennsylvania on November 23, 1971. At that time, the Wilmington and Northern Railroad Company property was still leased to the Reading Company.

Hurricane Agnes damaged the northern end of the Wilmington and

Northern between Birdsboro and Coatesville in 1972 and that portion was subsequently abandoned.

On December 31, 1975, the line of railroad of The Wilmington and Northern Railroad Company extended 82.96 miles between Pigeon Point, DE and Cumru Junction, PA, with 37.66 miles of yard tracks and sidings. In addition to leasing and operating the Wilmington and Northern Railroad Company property, the Reading Company owned Wilmington and Northern's entire capital stock.

The line that became the Coatesville Industrial Track remained under the control of the Reading Company through the Reading Company bankruptcy, until the formation of Consolidated Rail Corporation on April 1, 1976. On April 1, 1976, the Wilmington and Northern Railroad Company lease to the Reading Company was terminated. To the extent Wilmington and Northern Railroad Company was included in the Final System Plan for the consolidation of bankrupt northeastern and midwestern railroads into Conrail, that property was conveyed to Conrail.

From April 1, 1976, when Conrail acquired and took possession of its properties, until June 1, 1999, Consolidated Rail Corporation held title to and operated the property which it had acquired under the now defunct United States Railway Association's (USRA) "Final System Plan" for reorganization of the bankrupt northeastern and midwestern railroads (Penn Central Transportation Company, its secondary debtors, the Lehigh Valley Railroad Company, the Central Railroad of New Jersey, the Lehigh & Hudson River Railway Company, the Reading Company, Erie Lackawanna Railway Company and a small portion of the Ann Arbor

Railroad Company). The Final System Plan had been submitted to Congress on July 26, 1975 and automatically approved after 60 days without further action by Congress under the Regional Rail Reorganization Act of 1973 (3R Act).

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company, headquartered in Roanoke, Virginia, and Southern Railway Company, headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia, and their subsidiaries. Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC). In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two studies of the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, Va.: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, N.C.: University of North Carolina Press, 1985).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company rather

than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Conrail, a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*, and the transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets, including Conrail's interest in the Line, were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and are operated by

NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. As a result of the transaction, Norfolk Southern's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike. The unusual situation with respect to the transfer of the subject unused segment of the Coatesville Industrial Track to PRR to conclude an abandonment and sale to the City of Coatesville is explained in the second paragraph of this narrative.

The Conrail Transaction Agreement, in relevant part, permitted NSR to enter into various transactions with regard to the assets allocated to PRR. These permitted transactions included the abandonment or discontinuance of service over rail lines that were included, or over rail lines for which the freight operating rights or easements or trackage rights were included, among the allocated assets, or to finish Conrail transactions that were in the territory of assets that otherwise would be PRR allocated assets.

On June 4, 2003, Norfolk Southern Corporation (NS), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the Surface Transportation Board (STB) to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NS, respectively, of the two

Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating. NSR and CSXT had been managing and operating the allocated assets of PRR and NYC, respectively, since June 1, 1999 under operating agreements approved by the STB in a 1998 decision. The proposed transaction would replace the existing operating agreements and allow NSR and CSXT to operate PRR and NYC, respectively, via direct ownership. The petition, if approved, would make the financial, operational and administrative management of Conrail, NYC and PRR more efficient.

The change contemplated in the operation of the remaining small segment of the Coatesville Industrial Track, the Line of railroad that is the subject of this STB abandonment proceeding, after the STB grants an exemption from the prior approval requirements of the ICCTA with respect to the line's abandonment, is for Pennsylvania Lines LLC to abandon the subject Line of railroad over which there has been no rail service and no demand for rail freight service since before June 1, 1999, and which can no longer be profitably maintained or operated in freight service. As a result of this action, the common carrier obligation to provide freight service over this line will be abandoned and the property will become ordinary real estate under state law. This will enable PRR to redeploy this non-productive asset into more productive uses in providing rail freight service to the shipping public by selling the property itself to the City of Coatesville, PA for public use in the transaction that was initiated by Conrail and the City prior to June 1, 1999.

The following books on the Reading (Railroad) Company are listed for sale

on the web site http://www.railroadxing.com/reading_comp/. Commentators have cited the histories written by Mr. Holton as definitive histories of the Reading.

Reading Railroad History of a Coal Age Empire : The 19th Century
J. Holton / Hardcover / Published 1990

Reading Railroad History of a Coal Age Empire the 20th Century
J. Holton / Hardcover / Published 1992

Reading Diesels : Second Generation
Dale W. Woodland / Hardcover / Published 1996

Reading Diesels : The First Generation
Dale W. Woodland / Hardcover / Published 1991

Steam Locomotives of the Reading and P and R Railroads : The Complete History from the Ten Ton Pioneer Engines of 1837 to the Last Giant Two Hundred a
Edward H. Wiswesser

(6) **Summary of Documents In Carriers' Possession That Might Be Useful for**

Documenting a Structure That Is Found To Be Historic – Not applicable.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic**

Places -- It is carrier's opinion that the cattle crossing on the line to be abandoned does not meet the criteria for listing in the *National Register of Historic Places*. The crossing is short in length and unremarkable in design and construction. The line passes through mostly undeveloped with some developed areas. Carrier has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** –

Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.

(9) **Follow-Up Information** -- Additional information will be provided as appropriate.

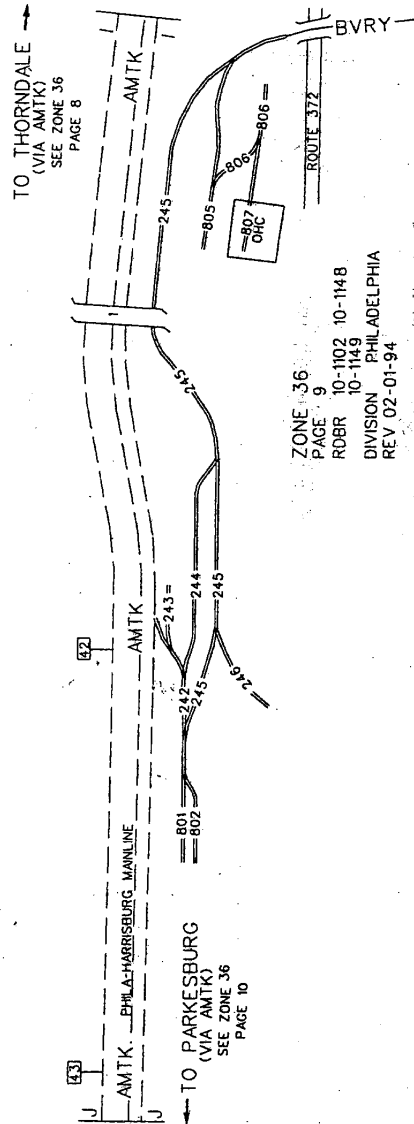
NS NORFOLK
SOUTHERN



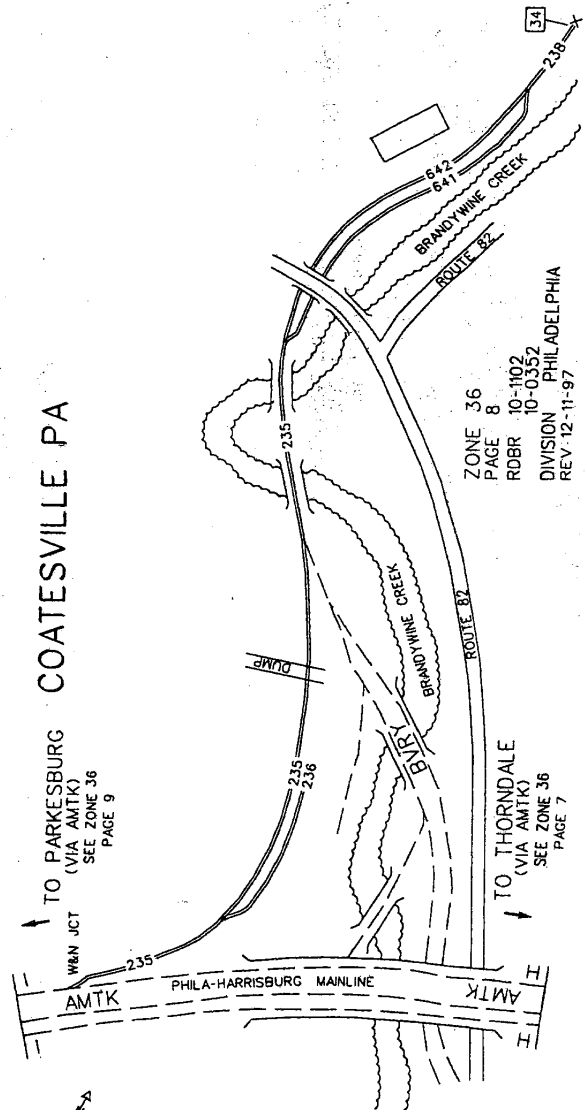
LOCATION	Coatesville, Pennsylvania
TITLE	Proposed Abandonment Coatesville Industrial MP 34.51

POMEROY PA

COATESVILLE PA



COATESVILLE PA



Cattle Pass 34.65



Proof of Publication of Notice in Daily Local News
Under Newspaper Advertising Act No. 587, Approved May 16, 1929

State of Pennsylvania

County of Chester { ss:

{ No. 622178 Term, 2003

_____ of the Daily Local News Company, a corporation, of the County and State aforesaid, being duly affirmed, deposes and says that the Daily Local News, a newspaper of general circulation, published at 250 N. Bradford Ave., West Chester, PA, County and State aforesaid, was established November 19, 1872, and Incorporated December 11, 1911, since which date the Daily Local News has been regularly issued in said county, and that the printed notice or publication attached hereto is exactly the same as printed and published in the regular editions and issues of the said Daily Local News on the following dates viz:

December 3,A.D. 2003

Affiant further deposes that he/she is the proper person duly authorized by the Daily News Company, a corporation, publishers of said Daily Local News, a newspaper of general circulation, to verify the foregoing statement under oath, and that affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

Debra S. Hood

affirmed to and subscribed before me this 3rdday of December 2003

Beverly A. Wolfe

Notary Public

Notarial Seal

Beverly A. Wolfe, Notary Public

East Bradford Twp., Chester County

My Commission Expires June 4, 2005

My Commission Expires:

Statement of Advertising Costs

Norfolk Southern CorporationMr. James R. Paschall/Law Dept.Three Commercial PlaceNorfolk, VA 23510-2191

To DAILY LOCAL NEWS COMPANY, Dr.
For publishing the notice or publication attached

hereto on the above stated dates..... \$ _____

Probating same..... \$ _____

Total..... \$ _____

Publisher's Receipt for Advertising Costs

The _____ company, a corporation, publishers of the Daily Local News, a newspaper of general circulation, has been duly affirmed, deposes and says that the _____ publishes receipt of the aforesaid notice and publication costs and certifies that the same

 Corporation, Publishers of DAILY LOCAL NEWS, a newspaper of General Circulation.

COPY OF NOTICE OR PUBLICATION

**NOTICE OF INTENT
 TO ABANDON
 RAIL SERVICE**

Pennsylvania Lines LLC (PRL) gives notice that on or about December 22, 2003, it intend to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments, permitting abandonment of a 34-mile line of railroad between mileposts 34.51 and 34.85 near Coatesville, which traverses through United States Postal Service ZIP Code 19320 in Chester County, Pennsylvania. The proceeding will be docketed as No. AB-859 (Sub-No. 2X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9242

James R. Paschall
General Attorney

Writer's Direct Dial Number
(757) 629-2759

December 11, 2003

Mr. William Shane, Chairman
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Regional Director
National Park Service
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Assistance Division
1849 C Street, N. W. (2310)
Washington, DC 20240-0001

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
201 14th Street, SW at Independence Ave., SW
Washington, DC 20250

Mr. William Shaddox
National Park Service
Land Resources Division
1849 C Street, N. W. (2540)
Washington, DC 20242-0004

Re: STB Docket No. AB-859 (Sub-No. 2X), Pennsylvania Lines, LLC – Abandonment
at Coatesville, Pennsylvania

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Pennsylvania Lines LLC (PRR) hereby gives notice that on or about December 22, 2003, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit PRR's abandonment of a .34-mile line of railroad lying between Mileposts 34.51 and 34.85 at Coatesville, Chester County, Pennsylvania (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093

December 9, 2003

James R. Paschall
Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Re: File No. ER 04-0479-029-A
STB Docket No. AB-859 (Sub-No.
2X), Pennsylvania Lines LLC
(PPR)-Abandonment, Coatesville
Chester County

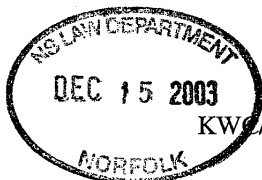
Dear Mr. Paschall:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

Based on our survey files, which include both archaeological sites and standing structures, there are no National Register eligible or listed historic or archaeological properties in the area of this proposed project. Therefore, your responsibility for consultation with the State Historic Preservation Office for this project is complete. Should you become aware, from any source, that historic or archaeological properties are located at or near the project site, please notify the Bureau for Historic Preservation at (717) 783-8946.

Sincerely,

Kurt W. Carr, Chief
Division of Archaeology &
Protection



KWC/tmw